

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TYLER ERDMAN	:
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Plaintiffs,	: <u>ORDER</u>
	: 20 Civ. 4162 (LGS) (GWG)
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-V.-	:
	:
ADAM VICTOR et al.,	:
	:
Defendants.	:
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**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

With regard to Docket # 100 and the letters that follow (Docket ## 101, 104, 106, 107), the Court reminds the parties – and in particular the defendant – that compliance with paragraph 2.A of the Court’s Individual Practices is mandatory and the Court will not in the future consider letters that do not comply with that paragraph.

The defendant’s explanations of the document production process are quite opaque. Putting aside the issue of why defendant has apparently agreed that 10 years of documents are relevant to the claims in this case, the defendant’s letter is confusing as to what time period is needed to complete the production. Nonetheless, the defendant’s now stricken initial letter dated November 5, 2021 (Docket # 99), stated that 30 days were needed. In light of the sheer volume of documents involved, the Court will extend the production deadline to December 6, 2021. There will be no further extensions of this deadline absent a sworn affidavit that describes, on a daily basis since November 5, 2021, all efforts that were made to comply with this deadline.

The deadline to complete the depositions of plaintiff and defendant is extended to December 22, 2021. If plaintiff does not wish to wait for the conclusion of defendant’s document production to conduct the deposition of defendant, the deposition shall go forward on November 19, 2021, inasmuch as this was the date requested by plaintiff (Docket # 101) and the date was not opposed by defendant in his responsive letter (Docket # 104).

Rather than moving for any protective order as to particular documents, each side should propose a confidentiality order that will allow the production to occur without requiring parties to make applications for protective orders. See Decarlo v. Archie Comic Publ’ns, Inc., 2000 WL 781863, at \*1 (S.D.N.Y. June 20, 2000) (confidentiality orders “minimize the involvement of the Court and the parties in unproductive and time consuming disputes about the existence of good cause for protecting individual documents and avoid the litigation of such questions in the

abstract”). The parties should discuss the text of such an order and, if they cannot agree, may each submit their own proposals by November 22, 2021.


With regard to the request for a stay in Docket # 104, defendant never explains why he has waited until long after he proposed a scheduling order to make a request for a stay. Be that as it may, the Court’s pre-motion conference requirement for any motion to stay discovery is waived. The motion shall be filed in accordance with paragraph 2.B of the Court’s Individual Practices. There shall be no stay, however, pending the briefing and adjudication of any motion for a stay, with once exception.

The one exception is any disputes regarding nonparty discovery. To the extent a nonparty makes a written objection to a subpoena, that dispute shall be heard only after party discovery is completed. In the meantime, the nonparty who made the written objection to the subpoena need not make any document production or appear for a deposition. Any party to this action who has subpoenaed a nonparty shall provide a copy of this Order to the nonparty immediately.

The parties shall inform the Court when all party discovery is completed and the Court will at that time hear any disputes relating to nonparty discovery.

SO ORDERED.

Dated: November 17, 2021  
New York, New York

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge